

Office of Administrative Hearings of Baltimore County
105 West Chesapeake Avenue Ste 103
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Mark Humphreys
5400 Highridge Street
Halethorpe, Maryland 21227

Civil Citation No. 96186

Chesapeake Home Remodeling & Design
626 Towne Center Drive, Ste. 101
Joppa, Maryland 21227

5400 Highridge St

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on September 20, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) 35-2-203, failure to construct a deck in compliance with Baltimore County deck construction guidelines; (BCC) 35-2-304, failure to obtain the proper permit to build a deck on residential property.

On August 9, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector James Garland issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$ 11,200.00 (Eleven thousand two hundred dollars)

The following persons appeared for the Hearing and testified: Mark Humphreys, owner; Andy Warfield, Dan Steen Chesapeake Remodeling, Respondents; James Garland, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint from the owner, an inspection of the deck being constructed on the subject property was carried out on 6/17/11. The inspection revealed improper materials and construction, including regarding the footings, to have taken place in the structure of the

deck, which was completely new. Unfortunately, the permit under which the work was being done was issued on 7/8/10 for replacement of decking and rails ONLY. The Inspector concluded that not only the construction of the deck but its attachment to the structure itself exceeded the scope of the permit actually requested and issued by the County, but the construction actually done was not in conformance with the Baltimore County Code. The Inspector spoke to Mr. Warfield, General Manager of Chesapeake Remodeling regarding the situation at the site on 6/22/11. Upon later inspection, a Correction Notice was issued on 7/26/11. A re-inspection on 8/8/11 showed no change and a Citation was issued on 8/9/11. On 9/15/11 the Inspector once again spoke to Mr. Warfield, who informed him that the correct permit had been issued to them that same day.

Mr. Warfield testified that his company was a licensed Home Improvement Contractor of long standing and reputation. He acknowledged the situation at the subject site and stated that, prior to this incident, the individual installer for each job pulled his own permits as necessary before work began. As a result of this matter, the company policy has changed. Management will, from now on, pull all permits for work to be done, ensuring that proper permits are obtained. Moreover, the company will increase its supervision of the actual work done by their installers.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty lien be imposed in the amount of \$ 5,000.00 (Five thousand dollars).

IT IS FURTHER ORDERED that \$4,000.00 of the \$5,000.00 civil penalty lien be suspended.

IT IS FURTHER ORDERED that the remaining \$4,000.00 will be imposed if the property is not brought into compliance by October 20, 2011.

IT IS FURTHER ORDERED that the remaining \$4,000.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty lien AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 27th day of September 2011

Signed: Original signed 09/27/11
Lawrence Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

TMK/lmw